

ELECTRONIC MAIL...E-MAIL...RECORDS...NON-RECORDS...PRESERVE...DESTROY...WHAT DO YOU DO?

All employees (and contractors) are required by law to make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. In addition, the records must be properly stored and preserved, available for retrieval, and subject to appropriate approved disposition schedules. (See: <http://www.rdc.noaa.gov/~foia/asdhome/recdisp-rev.htm>)

The Federal Records Act applies to e-mail records just as it does to records that are created using other media. If you create or receive e-mails message during the course of your daily work, you are responsible for ensuring that you properly manage them.

The Department's current e-mail policy requires that all e-mails or attachments that meet the definition of a Federal record be added to the organization's files by printing them (including the essential transmission data) and filing them with related paper records. Remember-electronic mail is intended for official and authorized purposes. E-mail messages are not private and can be use in court as evidence.

WHAT IS AN E-MAIL MESSAGE?

An e-mail message consists of any document created, transmitted, or received on an e-mail system, including message text and any attachments, such as word-processed documents, spreadsheets, and graphics that may be transmitted with a message, or with an envelope containing no message.

AN E-MAIL MESSAGE IS A RECORD IF:

It contains unique, valuable information developed in preparing position papers, reports, studies, etc.

It reflects significant actions taken in the course of conducting business

It conveys unique, valuable information about government programs, policies, decisions, or essential actions

It conveys statements of policy or the rationale for decisions or actions

It documents oral exchanges (in person or by telephone), during which policy is formulated or other government activities are planned or transacted.

It adds to the proper understanding of the formulation or execution of government actions or of government operations and responsibilities

It documents important meetings

It facilitates action by government officials and their successors in office

It makes possible a proper scrutiny by the Congress or other duly authorized agencies of the Government

It protects the financial, legal, and other rights of the Government and of the persons directly affected by the Government's actions

WHAT ARE MY RESPONSIBILITIES?

You are responsible for properly managing the creation, retention, and disposition of records that you send or receive on an e-mail system. You must:

1. As soon as possible after you receive or send a message-and any attachments-determine whether it is a record or a non-record
2. Print a hard copy of the record, including attachments and transmission information, and file it in the official filing system
3. Delete the e-mail version of the record, including attachments and transmission information,

- and file it in the official filing system
- 4. Delete the e-mail version of the record unless you need it for references purpose
- 5. Delete messages or attachments that are not records as soon as they have served their purpose

WHAT ABOUT NON-RECORDS-WHAT DO I DO WITH THEM?

You must promptly delete non-record messages. If non record copies are useful for reference or convenience, you should copy the information to the hard drive of your computer or to a diskette.

E-mail documents are non-records when they:

- 1. Are copies of memoranda or text sent for information rather than action
- 2. Are instruction memoranda or information bulletins where the recipients is not the action office
- 3. Are messages that have only temporary value such as a message that a meeting time has changed
- 4. Provide no evidence of agency functions and activities
- 5. Lack information of value
- 6. Duplicate information already documented in existing records

IF I FILE MY E-MAIL MESSAGE IN A FOLDER I'VE CREATED IN MY E-MAIL SYSTEM DO I STILL HAVE TO PRINT IT AND FILE IT IN THE OFFICES FILING SYSTEM?

Yes. E-mail folders are part of the e-mail system and cannot be part of an official filing system because the e-mail system is protected by use of an individual password accessible only to you. Remember, records must be available for retrieval and access by those who need them.

ANYTHING ELSE I NEED TO KNOW?

Yes, very frequently e-mail records are involved in a discovery process during litigation and/or the subject of congressional requests and Freedom of Information Act (FOIA) requests. If you have e-mail records that are involved in active cases as just described, those records must be preserved. The medium (electronic or paper copy) for preserving e-mail records depends on various factors. In such instances, specific guidance regarding the preservation of relevant records is generally provided either by the Office of Congressional Affairs, the FOIA Officer, or the Office of the Solicitor.

MANAGE YOUR E-MAIL:

Determine if the e-mail message/attachments meet the legal definition of a record.

Print a hard copy of the record, including attachments and transmission information, and file it in the official filing system

Delete the e-mail version of the record unless you need it for reference purposes

Delete messages or attachments that are not records as soon as they have served their purposes

If you're unsure about the correct status of a message, always treat it as a record first.

For Records Management information: <http://www.rdc.noaa.gov/~foia/asdhome/record-rev1.htm>